

**REMARKS**

Applicants respectfully note that this is the first opportunity they have been given to respond to the newly cited reference, Fan, and trust that the Examiner will duly enter this response.

In respect of the amended claims submitted herewith, two minor amendments have been made to claim 23 to correct typographical errors which appeared in claim 23 submitted with the previous response. No other claims are amended by this response.

The Examiner has rejected claims 1-6, 13, 19, 23-28, 35, 39 and 41 under 35 USC 102(e) in view of Fan (US 6,324,165). Reconsideration is requested.

Fan teaches a switch which includes a scheduler. It describes how a Connection Admission Control (CAC) function can calculate a guaranteed minimum rate for a connection and send this to the scheduler. The Examiner has provided full reasoning as to why the features of the claims are shown in Fan, for which Applicants are grateful. However, Applicants cannot accept this reasoning.

The invention as defined by claims 1, 13, 23, recites an integrated connection admission control (CAC) and bandwidth on demand (BoD) system. The CAC is responsible for allocating static resources and books dynamic resources. The BoD system allocates dynamic resources, at the request of a source, up to at least the value booked by the CAC. For the avoidance of doubt, static resources are allocated for the duration of a connection. Dynamic resources can change, and are allocated by the BoD system in response to an explicit request for an amount of resource.

Examiner has equated the requirement in claims 1, 13, 23 of a BoD system with the disclosure in Fan of DRC scheduling and has relied on a short passage at col. 9 lines 44-51. Applicants cannot accept this reasoning.

Applicants cannot accept that a Bandwidth on Demand system is the same as a scheduler. They are distinctly different in their function. A Bandwidth on Demand system receives explicit requests for bandwidth resources, considers the requests, and allocates bandwidth. Only once the BoD system has allocated bandwidth to a source (terminal) can the source begin to transmit within the agreed terms. Indeed, the specification of the present application notes (see page 6, lines 8-16) that that the BoD system is not appropriate for all traffic types as the delay (latency) may be too great for some traffic types, such as real time traffic. Consequently, some traffic types are only allocated static resource and are not booked dynamic resource. Fan makes no such distinction. Applicants respectfully direct the Examiner's attention to page 3 line 29 – page 4 line 7 of the present application, where the BoD process is described.

In contrast, a scheduler, as taught by Fan, copes as best it can with whatever traffic it is presented with. There is no negotiation process with a terminal before the terminal is granted resource.

Examiner notes "regarding the limitation 'allocate dynamic resource on a request basis', the examiner maintains that the arrival of cells initiates the request." For the reasons noted above, the arrival of a cell at a scheduler is not the same as a request to transmit cells in a BoD system. Applicants submit that this will be well understood by one of ordinary skill in the art.

Requiring a terminal to request dynamic resource allows the BoD system to calculate overall demand for resources for a period of time and to safely reallocate any resource which has been booked (by the CAC), but has not been requested by a terminal for the forthcoming time period, to other terminals. No

combination of cited references discloses this combination of features or hints at this advantage.

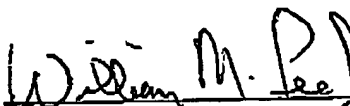
Examiner's rejections to the novelty of dependent claims are considered moot in view of the amendments made to the independent claims and arguments presented here.

The Examiner's indication of the allowability of claims 20, 21, 42 and 43 is appreciated. The Examiner's further indication of the allowability of claims 7 to 12, 14 to 18, 29 to 34, 36 to 40, if rewritten in independent form, is acknowledged and appreciated. However, given the above, all claims are believed to be allowable.

For the foregoing reasons, Applicants respectfully submit that the claims in this application are in condition for allowance. Favorable reconsideration and early issuance of a Notice of Allowance are solicited.

Respectfully submitted,

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